

REMARKS

Claims 1-14 are pending of which claim 1 is independent. In this Amendment, claim 1 has been amended to clarify an aspect of the invention. Support is found in, for example, FIGS. 4, 8, and 9 and paragraphs [0068]-[0069] of the application-as-published (2007/0063321). New claim 15 dependent upon claim 1 has been added. Support is found in, for example, FIGS. 2-4 and paragraphs [0055]-[0057] and in FIG. 9 and paragraph [0066], of the application-as-published. Care has been exercised not to introduce new matter.

Rejections of Claims Under 35 U.S.C. § 102

Claims 1-6, 8-10 and 12-13 were rejected under 35 U.S.C. § 102(b) as being anticipated by Roberts et al. (U.S. Patent No. 6,335,548, hereinafter “Roberts”). The rejection is respectfully traversed for the following reasons.

Amended claim 1, *inter alia*, recites “a lower portion of the at least heat sinks is exposed to the outside of the bottom surface of the main body through the opening of the main body.” As illustrated in FIGS. 6-9, one example of what is claimed in claim 1, the lower portion (surface) 45 of the heat sink 41, of which width is bigger than that of the upper portion of the heat sink 41 is exposed outside of the bottom surface of the main body 31. The exposure of the lower portion of the heat sink 41 which has more surface area than the upper portion of the heat sink 41 promotes thermal relief. (See paragraphs [0068]-[0069] of the application-as-published) Roberts fails to disclose the limitations of claim 1.

First, the Examiner equates Roberts’ elements 1909, 1910, 1911 with the “heat sinks.” However, Roberts describes these elements as dies (see column 29, line 61, to column 30, line 23). The dies 1909, 1910, 1911 more closely correspond to the “light emitting diode die” of claim 5 rather than the “heat sinks,” because each of the dies 1909, 1910, 1911 emits light of

desired color as same as the “light emitting diode die.” Roberts, however, is silent on the “at least two heat sinks.”

Second, even assuming that Roberts’ dies 1909, 1910, 1911 corresponds to the “heat sinks,” Roberts’ dies 1909, 1910, 1911 fail to satisfy the claim requirement that the “lower portion of the at least heat sinks is exposed to the outside of the bottom surface of the main body through the opening of the main body.” Roberts’ dies 1909, 1910, 1911 sit on top of the heat extraction member 204, on which the Examiner relied to disclose the “main body,” as the Examiner acknowledged on page 3 of the Office Action. No portion of Roberts’s dies 1909, 1910, 1911 is exposed outside of the heat extraction member 204, because the bottom portion of the heat extraction member 204 on which the dies 1909, 1910, 1911 sit does not have any opening through which the dies 1909, 1910, 1911 can be exposed. In contrast, claim 1 requires the “lower portion of the at least heat sinks” to be “exposed to the outside of the bottom surface of the main body through the opening of the main body.”

Hence, Roberts does not satisfy the claim requirements that the “lower portion of the at least heat sinks is exposed to the outside of the bottom surface of the main body through the opening of the main body.” As anticipation under 35 U.S.C. § 102 requires that each element of the claim in issue be found, either expressly described or under principles of inherency, in a single prior art reference, *Kalman v. Kimberly-Clark Corp.*, 713 F.2d 760, 218 USPQ 781 (Fed. Cir. 1983), based on the foregoing, it is submitted that Roberts does not anticipate claim 1, nor any claim dependent thereon. Thus, claim 1 and claims dependent thereon are patentable over Roberts.

Rejections of Claims Under 35 U.S.C. § 103

Claim 7 was rejected under 35 U.S.C. § 103(a) as being unpatentable over first embodiment of Roberts, FIGS. 19A-B in view of second embodiment of Roberts, FIGS. 1-15.

The rejection is respectfully traversed for the following reasons.

As addressed above, the first embodiment of Roberts fails to disclose the limitations of claim 1, regarding “a lower portion of the at least two heat sinks is exposed to the outside of the bottom surface of the main body through the opening of the main body.”

The second embodiment of Roberts, which was cited for the “optically transparent material” in claim 7, fails to cure deficiencies of the first embodiment of Roberts.

Accordingly, as each and every limitation must be disclosed or suggested by the cited prior art references in order to establish a *prima facie* case of obviousness (*see*, M.P.E.P. § 2143.03) and for at least the foregoing reasons the proposed combination of the first embodiment and the second embodiment of Roberts fails to disclose or suggest the above limitations of claim 1, it is respectfully submitted that claim 7 including all limitations of and dependent upon claim 1 is patentable over the combination of the first and the second embodiments of Roberts.

Claims 11 and 14 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the first embodiment of Roberts, FIGS. 19A-B in view of Pederson (U.S. Publication No. 2005/0001562, hereinafter “Pederson”). The rejection is respectfully traversed for the following reasons.

As addressed above, the first embodiment of Roberts fails to disclose the limitations of claim 1, regarding “a lower portion of the at least two heat sinks is exposed to the outside of the bottom surface of the main body through the opening of the main body.”

In addition, Pederson, which was cited for the "additional heat sink," the "zener diode" and the "controller" in claims 11 and 14, fails to cure deficiencies of the first embodiment of Roberts.

Therefore, it is respectfully submitted that claims 11 and 14 including all limitations of and dependent upon claim 1 are patentable over the combination of the first embodiment of Roberts and Pederson for the same reasons as claim 1.


Conclusion

Upon entry of the above claim amendments, claims 1-15 remain active in this application. Applicant submits that all of the claims are in condition for allowance. Accordingly, this case should now be ready to pass to issue; and Applicant respectfully requests a prompt favorable reconsideration of this matter.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP


Keith E. George
Registration No. 34,111

600 13th Street, N.W.
Washington, DC 20005-3096
Phone: 202.756.8000 KEG:HL/lcb
Facsimile: 202.756.8087
Date: December 13, 2007

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